



Town of Arlington Office of the Town Manager

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Town of Arlington Discrimination, Harassment and Sexual Harassment Policy

I. Introduction

It is the Town's goal to promote a workplace that is free of discrimination, harassment and sexual harassment. The Town considers the workplace any setting in which employees may find themselves in connection with their employment. Harassment is a form of discrimination, and sexual harassment is a type of harassment. It is a violation of this policy for any Town employee, vendor, contractor or volunteer (hereinafter "person") to discriminate against, harass, bully, intimidate, threaten, insult, retaliate against, or otherwise engage in any conduct, whether verbal or physical, against an employee, a member of the public engaging Town services or using Town facilities, a Town volunteer, or a Town vendor or contractor based on such individual's protected class status including race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, disability, gender identity or expression, veteran status, and genetic information, pregnancy or pregnancy-related condition including, but not limited to, lactation or the need to express breast milk for a nursing child.

The Town takes allegations of discrimination, harassment, and sexual harassment seriously and will respond quickly to such allegations. If the Town finds that an individual has violated this policy, the Town will act promptly to eliminate the conduct, impose corrective action as the Town determines appropriate, including taking disciplinary action up to and including termination.

To achieve our goal of providing a workplace free from discrimination and harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Please note that while this policy sets forth our goals of promoting a workplace that is free of discrimination and harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual or general harassment.

II. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- b. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess
- Displaying sexually suggestive objects, pictures, cartoons
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments
- Inquiries into one's sexual experiences, and
- Discussion of one's sexual activities

All employees should take special note that retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town.

III. Definition of General Harassment

Employees are protected from harassment on the basis of their race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, disability, gender identity, veteran status, and genetic information, pregnancy or pregnancy-related condition including, but not limited to, lactation or the need to express breast milk for a nursing child.

Prohibited behavior under this section includes slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a protected group.

All employees should take special note that, as stated above, retaliation against an individual who has complained about harassment, and retaliation against individuals for cooperating with an investigation of a harassment complaint will not be tolerated by the Town.

IV. Complaints of Harassment

If any of our employees believes that he or she has been subjected to harassment, including sexual harassment or retaliation, the employee has the right to file a complaint with our organization. An individual who believes he/she has been subject to discrimination or harassment prohibited by this policy or who believes there is a violation of this policy should report the conduct to the Town's Human Resources Director, Caryn Malloy or Town Counsel Douglas Heim.

Supervisors, Managers, and Appointing Authorities who receive reports or complaints alleging discrimination, harassment or violations of this policy shall contact the Human Resources Director immediately. The Human Resources Director's office is located at Town Hall, 730 Massachusetts Avenue, Arlington, MA 02476, and the Human Resources Director can be reached at (781) 316-3121. The Town Counsel's office is located at 50 Pleasant Street, Arlington, MA 02476 and Town Counsel can be reached at (781) 316-3150.

V. Harassment Investigation & Disciplinary Action

The Town will investigate all complaints and reports of discrimination, harassment and violations of this policy. Such investigation will include interviews or report with the person making the complaint, the person to whom the complaint is directed, and may include interviews with employees or individuals who may have relevant information.

If it is determined that a violation of this policy has occurred, the Town will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action that may include termination.

As mentioned above, it is a violation of this policy and it is unlawful to retaliate against a person for filing a complaint of harassment, discrimination or sexual harassment, or for cooperating in an investigation of any such complaint.

VI. State and Federal Remedies

In addition to the above, any employee who believes he/she has been subjected to unlawful discrimination, harassment or sexual harassment may file a formal charge with either or both of the following government agencies: The Massachusetts Commission Against Discrimination and the Equal Employment Opportunity Commission. Each of these agencies has a 300-day time period for filing a charge. They are located at:

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place
Boston, MA 02108
(617)727-3990

U.S. Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
1-800-669-4000